

**MEDICAL EXAMINING BOARD
REGULAR MEETING
JUNE 19, 2002**

MEMBERS PRESENT: Drs. Darold Treffert, Sidney Johnson, Ronald Grossman, Clark Olsen, Sandra Mahkorn, Alfred Franger, Lief Erickson, Bhupinder Saini, and Muriel Harper and Virginia Heinemann

MEMBERS EXCUSED: Drs. Glenn Hoberg, Mohammed Sethi; and Karen Kalishek

STAFF PRESENT: Deanna Zychowski, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant

GUESTS: Dr. June Dahl, Professor of Pharmacy; Liz Schumacher, Wisconsin Medical Society; and Ron Hermes, WPTA

CALL TO ORDER

Chair Darold Treffert called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

Amendments: -Proposed Stipulation – Steven Dudley, MD
-Application – Mohamed El-Jack, MD
-Additional Information – Nickolas Geimer, MD
-Additional Information – David Darcy, MD

MOTION: Sidney Johnson moved, seconded by Alfred Franger, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 22, 2002

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to approve the minutes of May 22, 2002 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Deputy Secretary Greg Horstman

Deputy Secretary Greg Horstman reminded everyone of the Board Member Workshop on June 25, 2002.

The Deputy Secretary said the department is looking at a better Directory of staff that may be electronically accessible by the Board members only.

Other items addressed were the budget, registration issues, and staff issues.

Katherine Hildebrand

Katherine Hildebrand, Office of Legal Services, explained the new layout of the Wisconsin Regulatory Digest and provided the Board with a copy of their Regulatory Digest that is at the printers.

PRESENTATION OF PROPOSED STIPULATIONS

DOE attorney, Jim Harris, presented a proposed stipulation in the matter concerning Raymond J. Szmada, DO. This matter will be deliberated on in closed session.

DOE paralegal, Sharon Henes, presented a proposed stipulation in the matter concerning Stephen S. Dudley, MD. This matter will be deliberated on in closed session

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational and published in June 2002.

PUBLIC HEARING ON PROPOSED RULES RELATING TO DEFINING SEXUAL CONTACT WITH A PATIENT AS UNPROFESSIONAL CONDUCT

A public hearing on proposed rules relating to defining sexual contact with a patient as unprofessional conduct was held.

There were no appearances.

MEETING WITH DR. JUNE DAHL

Dr. June Dahl discussed under-prescribing vs. over-prescribing of opioids. She handed out new persistent pain guidelines for balance of pain and a joint statement from 21 health organizations.

She has requested that the board adopt the model guidelines for the use of controlled substances for the treatment of pain published by the Federation of State Medical Boards.

INFORMATION FROM PHARMACY EXAMINING BOARD RELATING TO GENERIC SUBSTITUTION.

The doctor should be able to issue NS (no substitute) electronically. The Pharmacy Examining Board says this has to be in writing. The Board reviewed this issue and requested that a representative of the Pharmacy Examining Board attend a meeting to explain the Board's position.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 55 complaints. sixteen complaints were opened, more information was requested on four, and 35 were not opened.

APPOINTMENTS TO THE PERFUSIONISTS EXAMINING BOARD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to appoint Janet Sisul, Matthew Hietpas, David Hellenbrand, RN, and W. Dudley Johnson, MD, to the Perfusionists Examining Board. Motion carried unanimously.

PRACTICE QUESTIONS

The Board reviewed the practice questions from the Law Office of Deborah Green concerning products, percentage fees and minimum selling requirements.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to agree that the practice is permissible. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Alfred Franger moved, seconded by Clark Olsen, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats, for the purpose of conducting a full Board oral examinations, reviewing requests for stays of suspensions and modification of orders, deliberation of proposed decisions, issuing complaints, ratifying licenses and certificates, reviewing case status report, meeting with the Division of Enforcement and consulting with Legal Counsel. Role call vote: Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Clark Olson – yes, Sandra Mahkorn – yes, Muriel Harper – yes, Virginia Heineman – yes, Bhupinder Saini – yes, Sidney Johnson – yes, Darold Treffert – yes. Motion carried unanimously.

Open session recessed at 9:30 a.m.

RECONVENE IN OPEN SESSION

MOTION: Clark Olsen moved, seconded by Virginia Heineman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:30 a.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Clark Olsen moved, seconded by Fred Franger, to reaffirm all motions made during closed session. Motion carried unanimously.

HONG WU, M.D.

MOTION: Alfred Franger moved, seconded by Sandra Mahkorn, to pass Hong Wu, MD, on her oral exam and grant her a license. Motion carried unanimously.

ROBERT E. FARNER, MD

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to have Legal Counsel prepare a proposed stipulation for Robert Farner, MD, to consider with conditions the same as Texas with the exception that he may treat minors and request that he obtain a letter from the University of Wisconsin, offering him the position. Motion carried unanimously.

LOUIS SENO, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to eliminate restrictions and to grant an unlimited License to Louis Seno, MD. Motion carried unanimously.

DAVID DARCY, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to deny a stay of suspension to David Darcy, MD. and not reconsider reinstatement of the stay until he can provide evidence of 3 months compliance with present Board order. Motion carried unanimously

NICHOLAS GEIMER, MD

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant a three-month stay of suspension to Nicholas Geimer, MD. Motion carried unanimously.

SCOTT CONANT, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to grant a three-month stay of suspension to Scott Conant, MD. Motion carried unanimously.

EDWARD COONEY, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to grant a three-month stay of suspension to Edward Cooney, MD. Motion carried unanimously.

MICHAEL DEHNER, MD

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to approve Anjum S. Ashraf, MD, as counseling therapist for Michael Dehner, MD. Motion carried unanimously.

THOMAS HOLBROOK, MD

This matter was presented to the Board for information only.

RAYMOND J. SZMANDA, DO

MOTION: Ronald Grossman moved, seconded by Clark Olsen, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, in the matter concerning Raymond Szmanda, DO. Motion carried. Case Advisor – Darold Treffert abstained.

STEPHEN S. DUDLEY, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, in the matter concerning Stephen S. Dudley, MD. Motion carried. Case Advisor – Bhupinder Saini, abstained.

ROBERT WETZLER, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to adopt the Findings of Fact, Conclusions of Law, and Order, in the matter concerning Robert Wetzler, MD. Motion carried unanimously.

**ORDER FIXING COSTS IN THE MATTER CONCERNING
MARK A. HUFFMAN, MD**

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to adopt the Order Fixing Costs in the matter concerning Mark Huffman, MD. Motion carried unanimously.

MOHAMED S. EL-JACK, MD

MOTION: Sidney Johnson moved, seconded by Ronald Grossman , that the training and experience of Mohamed El-Jack, MD, is substantially equivalent to one year of post graduate training and he be accepted as a candidate for licensure. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Bhupinder Saini moved, seconded by Ronald Grossman, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MOTION: Bhupinder Saini moved, seconded by Ronald Grossman, to ratify the applicants as licensed to practice as physicians assistants in the State of Wisconsin. Motion carried unanimously.

MOTION: Bhupinder Saini moved, seconded by Ronald Grossman, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to close complaint **00 MED 418** for no violation. Motion carried unanimously.

MOTION: Virginia Heinemann moved, seconded by Ronald Grossman, to close complaint **02 MED 138** for reason prosecutorial discretion. Motion carried unanimously.

MOTION: Sidney Johnson moved, seconded by Ronald Grossman, to close complaint **01 MED 260** for insufficient evidence. Motion carried unanimously.

MOTION: Sidney Johnson moved, seconded by Alfred Franger to close complaint **01 MED 281** for insufficient evidence. Motion carried unanimously.

DISCUSSION WITH BARRY WANNER IN REGARD TO CME AUDITS, ADDITIONAL PROGRAMS IN DISCIPLINARY PROCEEDINGS, TIMELINE ON DEATH CASES AND OTHER DISCIPLINARY CONCERNS

Barry Wanner discussed the audit process and other issues. He advised the Board of the three-year limitation on death cases and shared patient inputs on disciplinary concerns. The Board would like to see results from letters being sent out.

MONITORING OF INDIVIDUALS IN IPP PROGRAMS

Leanne Cooper led the discussion on how individuals get into the program, who gets in, and how anyone is denied. She also discussed appropriate referrals to IPP and how the Board could refer appropriate cases at the screening stage rather than open them for investigation. The Board supported the use of IPP as a “fast track” for appropriate cases. The Board supported the expansion of IPP to include psychiatric diagnoses and physical conditions that may impact practice.

A person may self-report as long as there are no complaints against them. A Board advisor may refer someone to the program. The program is restricted to chemical dependencies.

There are currently 21 people in the program. A total of 82 people have gone through the program.

INFORMATIONAL ITEMS

There are two screening teams scheduled to meet on July 23rd. The first team members are Alfred Franger, Karen Kalishek, and Darold Treffert. They plan to meet at 10 a.m. The second team members are Virginia Heinemann, Sandra Mahkorn, and Clark Olsen. They plan to meet at 2 p.m.

ADJOURNMENT

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:26 p.m.

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